

12120704

204,482
1661



PATENT DOCKET: 204,482

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: SAXENA ET AL. EXAMINER: KENT BELL
SERIAL NO.: 09/539,992 ART UNIT: 1661
FILED: March 30, 2000
TITLE: A NEW AND DISTINCT
SOMACLONAL VARIETY
OF ROSE SCENTED GERANIUM
"PARIMAL"

December 16, 2004

CORRECTED SEQUENCE LISTING IN CRF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

STATEMENT OF FILING BY EXPRESS MAIL 37 C.F.R. 1.10

This correspondence is being deposited with the United States Postal Service on December 16, 2004 in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number ER 842 051 464 US addressed to the Honorable Commissioner for Patents and Trademarks, Washington, DC 20231.



REMARKS


The Petition Under 37 CFR 1.181 of March 6, 2003 was granted by a Decision of November 17, 2004, copy attached.

In view of the attached Error Report, Applicants were given a one-month time period to submit a Corrected CRF. A Corrected CRF is enclosed herewith as is a paper copy thereof. The CRF and the paper copy are the same, and there is no new matter in either of them.

Entry of the CRF is respectfully solicited.

Please charge any fees which may be due and which have not been submitted herein to our Deposit Account No. 01-0035.

Respectfully submitted,


JAY S. CINAMON
Registration No. 24,156
Attorney for Applicants

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New York, New York 10017-5612
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UNITED STATES PATENT AND TRADEMARK OFFICE



NOV 17 2004

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ABELMAN FRAYNE & SCHWAB
150 EAST 42ND STREET
NEW YORK NY 10017

In re Application of :
Gauri Saxena et al :
Serial No.: 09/539,992 : PETITION DECISION
Filed: March 30, 2000 :
Attorney Docket No.: 204.482 :

This is in response to the petition under 37 CFR 1.181, filed March 6, 2003, for withdrawal of abandonment based on timely reply to an Office action. The delay in acting on this petition is regretted.

A review of the file history shows that the Office, on September 28, 2001, mailed a letter to applicants stating that the sequence listing must be provided in CRF format, and set a one month time period for reply. Applicants replied on October 25, 2001, providing a paper copy of the sequence and a CRF disk. Due to circumstances beyond the control of the Office at the time of submission, all Office directed mail was subjected to irradiation by the US Postal Service. This was not done at the behest of the Office. As a consequence disks containing sequence information were rendered unreadable by this process. In due course the Office mailed applicants a second request for a CRF disk on February 12, 2002, setting a one month time period for reply. Applicants replied on April 23, 2002, but failed to include an explicit request and fee for a two month extension of time. However, earlier papers submitted with the application authorized charging of certain fees to a Deposit Account, including an extension of time, for any paper submitted which required an extension of time. In processing the newly submitted CRF this authorization was overlooked. Upon processing the CRF disk, flaws were detected which caused an error report to be generated on May 7, 2002, and the disk not be accepted. A Notice of Abandonment was mailed to applicants on March 6, 2003. It is not known whether the error report was included with the Notice of Abandonment.

Applicants filed this petition on March 6, 2003, explaining the circumstances and reasons why the Notice of Abandonment should be withdrawn. The missing extension of time fee was again authorized. In view of the authorized extension of time fee the paper is considered timely submitted. Had the submission been considered timely at the time of filing the result of the generation of the Error Report would have been to notify applicants of the errors and allow a period of time for submission of a corrected CRF. Such is provided below. As a consequence the Notice of Abandonment is withdrawn and the application restored to pending status with the mailing of this decision.

The petition is **GRANTED**.

The fee for a TWO MONTH extension of time in effect on April 23, 2002, will be charged to applicants' Deposit Account No. 01-0035, as directed.

The petition fees submitted of \$130.00 (3/13/03) and \$1300.00 (3/04/03) are not required for this petition and will be credited to applicants' Deposit Account No. 01-0035, as directed.

In view of the Error Report (copy enclosed) applicants are given a ONE MONTH time period from the date of mailing of this decision to submit a corrected CRF. Extensions of time are governed by 37 CFR 1.136(a). Failure to submit the required CRF will result in the application being held abandoned.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number 703-872-9306.



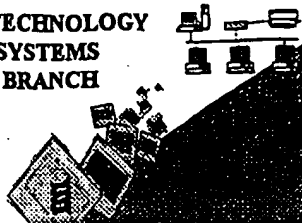
Jasmine C. Chambers
Director, Technology Center 1600

RECEIVED

MAY 23 2002

TECH CENTER 1600/2900

BIOTECHNOLOGY
SYSTEMS
BRANCH



RAW SEQUENCE LISTING ERROR REPORT

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/539,992 A
Source: 1600
Date Processed by STIC: 5/7/2002

1600

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.

FOR SEQUENCE RULES INTERPRETATION, PLEASE CONTACT ROBERT WAX, 703-308-4216.

PATENTIN 2.1 e-mail help: patin21help@uspto.gov or phone 703-306-4119 (R. Wax)

PATENTIN 3.0 e-mail help: patin3help@uspto.gov or phone 703-306-4119 (R. Wax)

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER
VERSION 3.1 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND
TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/efb/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202
3. Hand Carry directly to:
U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7th Floor, Examiner Name, Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202
Or
U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202
4. Federal Express, United Parcel Service, or other delivery service to: U.S. Patent and Trademark Office, Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

Revised 01/29/2002

RECEIVED

MAY 23 2002

TECH CENTER 1600/2900



/600

RAW SEQUENCE LISTING

DATE: 05/16/2002

PATENT APPLICATION: US/09/539,992A

TIME: 18:37:12

Input Set : A:\pto.vsk.txt

Output Set: N:\CRF3\05162002\I539992A.raw

Does Not Comply
Corrected Diskette Needed

pg 2-4

3 <110> APPLICANT: Council of Scientific and Industrial Research
 5 <120> TITLE OF INVENTION: A new and distinct somaclonal variety of Rose Scented Geranium "Parimal".
 7 <130> FILE REFERENCE: 345
 9 <140> CURRENT APPLICATION NUMBER: US 09/539,992A
 10 <141> CURRENT FILING DATE: 2000-03-30
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RAW SEQUENCE LISTING
PATENT APPLICATION: US/09/539,992A

DATE: 05/16/2002
TIME: 18:37:12

Input Set : A:\pto.vsk.txt

Output Set: N:\CRF3\05162002\I539992A.raw

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Sequence
see p. 4
see p. 4
see p. 4

RAW SEQUENCE LISTING

DATE: 05/16/2002

PATENT APPLICATION: US/09/539,992A

TIME: 18:37:12

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Output Set: N:\CRF3\05162002\I539992A.raw

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RAW SEQUENCE LISTING ERROR SUMMARY
PATENT APPLICATION: US/09/539,992A

DATE: 05/16/2002
TIME: 18:37:13

Input Set : A:\pto.vsk.txt
Output Set: N:\CRF3\05162002\I539992A.raw

Invalid Line Length:

The rules require that a line not exceed 72 characters in length. This includes spaces.

Seq#:1; Line(s) 5

Use of <220> Feature(NEW RULES):

Sequence(s) are missing the <220> Feature and associated headings.

Use of <220> to <223> is MANDATORY if <213> ORGANISM is "Artificial Sequence" or "Unknown". Please explain source of genetic material in <220> to <223> section (See "Federal Register," 6/01/98, Vol. 63, No. 104, pp.29631-32) (Sec.1.823 of new Rules)

Seq#:7,10,11

↑
IMPORTANT

VERIFICATION SUMMARY

PATENT APPLICATION: US/09/539,992A

DATE: 05/16/2002

TIME: 18:37:13

Input Set : A:\pto.vsk.txt

Output Set: N:\CRF3\05162002\I539992A.raw

L:91 M:220 C: Keyword misspelled or invalid format, <213> ORGANISM for SEQ ID#:7
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SEQUENCE LISTING

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<120> A new and distinct somatoclonal variety of rose scented geranium "parimal"

<130> FP 00345

<140> US 09/539,992

<141> 2000-03-30

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